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8 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CR 04-40148 DLJ

13 v.

STIPULATION AND ORDER TO  
CONTINUE STATUS HEARING

14 JOSE CASTELLANOS,

15 Defendant.  
16 \_\_\_\_\_/

Date: May 16, 2008  
Time: 9:00 a.m.

17 At the request of the parties, the Court enters this order  
18 (a) continuing the status hearing presently set for Friday, May  
19 16, 2008 at 9:00 a.m. to August 1, 2008 at 9:00 a.m.; and (b)  
20 excluding time under the Speedy Trial Act from May 16, 2008,  
21 based on the following:

22 1. Defendant JOSE CASTELLANOS, who is currently free on  
23 secured bond, has a pending motion to quash the search warrants  
24 relevant to the indictment in the above-entitled matter, which  
25 has been deferred.

26 2. The parties have engaged in and continue to engage in  
27 substantive discussions to resolve this matter short of  
28 litigation of motions and trial.

1           3.     A status hearing is presently set for Friday, May 16,  
2     2008, at 9:00 a.m.

3           4.     Since the last stipulation, the parties were scheduled  
4     to meet on April 2, 2008 to further discuss resolution, and  
5     mutually contemplated a settlement conference with Magistrate  
6     Larson to follow if necessary.

7           5.     Counsel for the government did contact Magistrate  
8     Larson's clerk in an attempt to schedule the settlement  
9     conference and received alternative dates that the Court was  
10    available; however, between the three attorneys there were  
11    numerous scheduling obstacles.

12          6.     The parties agree that it is necessary to meet and  
13    confer in the hope of drafting a plea agreement; or at a minimum  
14    distill the positions of each party to maximize the focus of the  
15    settlement conference.

16          7.     Accordingly, the parties agree that additional time is  
17    necessary, and furthermore, believe in good faith that they can  
18    resolve this matter short of litigation/trial.

19          8.     Wherefore, the parties hereby request that this  
20    matter be continued from Friday, May 16, 2008 until Friday,  
21    August 1, 2008, at 9:00 a.m.

22          9.     The parties stipulate that time is excludable from the  
23    limitations of the Speedy Trial Act because the interests of  
24    justice are served by granting a continuance. This continuance,  
25    requested by the parties, will permit continuity of counsel, and  
26    allow the reasonable time necessary for effective preparation,  
27    taking into account the exercise of due diligence. 18 U.S.C.  
28    sections 3161(h)(8)(A) and (B)(iv).

